



**MOORE COUNTY PLANNING BOARD
THURSDAY, NOVEMBER 7, 2019 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd Floor**

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIENCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

I. PUBLIC COMMENT PERIOD (*Procedures are attached*)

Please sign up on the Public Comment Sign In sheet near the door

II. APPROVAL OF CONSENT AGENDA

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of Minutes of October 3, 2019
- C. Consideration of Abstentions

III. PUBLIC HEARINGS

- 1. **General Use Rezoning from Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) - Theresa Thompson**
- 2. **Unified Development Ordinance Text Amendments –Theresa Thompson**

IV. PRESENTATION

- 1. **Kacy Cook with the Wildlife Resources Commission**

V. PLANNING DEPARTMENT REPORTS - Debra Ensminger

VI. BOARD COMMENT PERIOD - Chairman

VIII. UPCOMING EVENTS

- Tuesday, November 19, 2019 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- Wednesday, November 20, 2019 3:00 PM Transportation Advisory Board Meeting to be held at the Rich Rhyne Building EOC Office in Carthage
- Tuesday, December 3, 2019 10:30AM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage

- **Thursday, December 5, 2019 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**

III. ADJOURNMENT

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is **give** to the County.*

Please see attached procedures for the Public Comment Period and public comment during Public Hearing

**PUBLIC COMMENT PROCEDURES
MOORE COUNTY PLANNING BOARD**

The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 2. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 3. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 4. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 5. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 6. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 7. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 8. Any applause will be held until the end of the Public Comment Period.*
- 9. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 10. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 11. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

Adopted on the 4th day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board.

**MOORE COUNTY PLANNING BOARD
PUBLIC HEARINGS PROCEDURES**

The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

Adopted on the 5th day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board

**MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, OCTOBER 3, 2019 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR**

Board Members Present: Joe Garrison (Chairman), Harry Huberth (Vice Chairman), John Cook, David Lambert, Eddie Nobles

Board Members Absent: Matthew Bradley, Jeffrey Gilbert, Bobby Hyman, John Matthews

Staff Present: Debra Ensminger, Planning Director
Tron Ross, County Attorney
Theresa Thompson, Planning Supervisor
Dervin Spell, Planner

CALL TO ORDER

Chairman Joe Garrison called the meeting to order at 6:00 pm.

INVOCATION

Board Member Eddie Nobles offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member John Cook led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Vice Chairman Harry Huberth read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of September 5, 2019
- C. Consideration of Abstentions

Vice Chairman Harry Huberth made a motion for approval of the consent agenda. Board Member Eddie Nobles seconded the motion and the motion passed unanimously 5-0.

PUBLIC HEARING

Public Hearing #1 –Moore County staff is requesting amendments to the Moore County Unified Development Ordinance.

Planning Supervisor Theresa Thompson presented to the board the requested amendments as noted within the staff report.

1. Amend Chapter 4 (Zoning Permits), Section 4.1 (Zoning Permit Applicability)
2. Amend Chapter 4 (Zoning Permits), Section 4.2 (Application), Subsection C (Site Plan Requirements)
3. Amend Chapter 5 (Dimensional Standards), Section 5.1 (Table of Area and Setbacks)
4. Amend Chapter 6 (Table of Uses), Section 6.1 (Use Table)
5. Remove Chapter 7 (General Development Standards), Section 7.15 (Setback Encroachments)
6. Amend Chapter 7 (General Development Standards), Section 7.11 (Non-Residential Screening), Subsection D (Screening Types)
7. Amend Chapter 7 (General Development Standards), Section 7.16 (Signs), Subsection J (Off-Premise Signs)
8. Amend Chapter 8 (Special Use Standards), Section 8.4 (Accessory Dwelling Located within a Stick Built Dwelling)
9. Amend Chapter 8 (Special Use Standards), Section 8.12 (Home Occupation, Level 2), Subsection B (Standards)
10. Amend Chapter 8 (Specific Use Standards), Section 8.68 (Government Facility), Subsection A (Definition)
11. Amend Chapter 8 (Special Use Standards), Section 8.70 (Religious Institutions), Subsection B (Accessory Uses)
12. Amend Chapter 8 (Special Use Standards), Section 8.107 (Salvage Yards), Subsection A (Definition)
13. Amend Chapter 11 (Conditional Rezoning), Section 11.1 (Applicability)
14. Amend Chapter 13 (Appeals & Variances), Section 13.1 (Administrative Appeals), Subsection B (Submittal)
15. Amend Chapter 18 (Subdivisions), Section 18.5 (Minor Subdivisions), Subsection D (Additional Document Submitted for Approval)
16. Amend Chapter 18 (Subdivisions), Section 18.6 (Major Subdivision – Preliminary Plat Submittal and Review), Subsection D (Preliminary Plat Submittal)
17. Remove Chapter 18 (Subdivision), Section 18.7 (Major Subdivisions – Minimum Design Standards), Subsection F (Alternative Street Standards)
18. Amend Chapter 18 (Subdivision), Section 18.8 (Major Subdivisions – Option 1), Subsection E (Ownership of Open Space)
19. Amend Chapter 18 (Subdivisions), Section 18.10 (Major Subdivision – Construction Process), Subsection C (Soil Evaluation Report)
20. Amend Chapter 18 (Subdivisions), Section 18.15 (Subdivision Plat Requirements)
21. Amend Chapter 18 (Subdivisions), Section 18.8 (D) (Minimum Open Space Required)

22. Amend Chapter 19 (Definitions), Section 19.1 (Word Interpretation)
23. Add Chapter 19 (Definitions), Section 19.2 (Definitions)
24. Amend Chapter 19 (Definitions), Definition (Setback)
25. Amend Chapter 19 (Definitions), Definition (Lot Line, Front)

Vice Chairman Harry Huberth had a question regarding item #6 that addressed landscaping requirements. Mr. Huberth inquired about what mechanisms will be used to enforce the amended landscaping requirements. Planning Supervisor Theresa Thompson mentioned the county has maintenance requirements in the UDO. Mr. inquired if the county had a bond issue or if the county could have a bond issue. Mr. Huberth then gave a hypothetical example of a developer finishing a project in June when the weather is not favorable to new landscaping. Mrs. Thompson explained the applicant does have the option to request a conditional certificate of occupancy where a developer will have six months to install the landscaping. Mrs. Thompson also mentioned if a developer installs landscaping and a plant dies they are required to replace that plant, and the county has an enforcement policy for this.

Vice Chairman Harry Huberth had a question regarding item #15, Road Maintenance agreement. Mr. Huberth inquired whether the county had a mechanism to protect property owners on private roads. Planning Supervisor Theresa Thompson explained any new easement requires a road maintenance agreement. Mrs. Thompson added requiring a road maintenance agreement on an existing easement would not be feasible due to the number of homes that already exist on the easement and trying to get all the homeowners to come to an agreement. Mrs. Thompson also mentioned it would be impractical to prevent someone living on an existing easement from subdividing their land until all land owners on the easement signed a road maintenance agreement. Mrs. Thompson mentioned the county was not able to require road maintenance agreements before for existing easement.

Chairman Joe Garrison inquired if that requirement is being removed since the county could not require road maintenance agreements for existing easements anyway, which Mrs. Thompson explained it was not feasible to require for existing easements. Mr. Huberth mentioned from his personal experience all the landowners on his road had to sign a maintenance agreement due to a new property owner attempting to obtain a mortgage, which could only be obtained after all the existing property owners on the easement signed the road maintenance agreement. Mr. Huberth added that he guessed the banks would be the ones to handle this. Mrs. Thompson mentioned the county requires road maintenance agreement on any new easement, extended easement, or if someone is going to subdivide property on an easement.

Chairman Joe Garrison had a question regarding item #1, asking even though the requirement of an application being signed by a property owner is being struck out, that the application will still need to be signed by someone. Mr. Garrison made the suggestion that instead of striking out the language, that it be modified by replacing “property owner” with “applicant”. He stated this will still make it clear that the

application has to be signed by somebody. Mrs. Thompson agreed with Mr. Garrison and said that change will be made.

Chairman Joe Garrison opened the Public Hearing, with no further discussion or Public Comment Mr. Garrison closed the public hearing.

Board Member Eddie Nobles made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement approval and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Vice Chairman Harry Huberth; the motion passed unanimously 5-0.

Board Member Eddie Nobles made a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendments to the Moore County Unified Development Ordinance. The motion was seconded by Board Member David Lambert; the motion passed unanimously 5-0.

PLANNING DEPARTMENT REPORTS

Planning Director Debra Ensminger provided the Board with an update regarding the following items.

- There will be an item for the board's consideration in November.
- On October 9, 2019, Moore County Board of Commissioners will hold a work session at 9:30 a.m. at the Rick Rhyne Public Safety Center Community Room. The purpose of the meeting is to discuss future capital projects as well solid waste matters.

BOARD COMMENT PERIOD

Chairman Joe Garrison asked Board Member David Lambert if this was his last meeting. Mr. Lambert confirmed this and he stated it has been a pleasure. Mr. Garrison thanked Mr. Lambert for his work on the board.

ADJOURNMENT

With no further comments Board Member David Lambert made a motion to adjourn the October 3, 2019 regular meeting. The motion was seconded by Board Member Eddie Nobles and the motion passed unanimously 5-0. The meeting adjourned at 6:15 p.m.

Respectfully submitted by,

Dervin Spell

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning & Transportation Director

DATE: September 24, 2019

SUBJECT: General Use Rezoning Request: Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2)

PRESENTER: Theresa Thompson

REQUEST

Pete Mace is requesting a General Use Rezoning from Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) of an approximate 5.67 acre parcel, located at 6265 NC Hwy 211, owned by William A III Johnson Trustee, per Deed Book 2016E Page 671.

This case was properly advertised, public hearing sign posted on the property, and all adjacent property owners were notified.

BACKGROUND

The property is currently developed with one single family dwelling located on the property.

ZONING DISTRICT COMPATIBILITY

The requested rezoning to Highway Commercial (B-2) is consistent with the mixture of land uses in the area, including a school, a self-service mini warehouse, solar farm, single family residential, and undeveloped property. The surrounding area is zoned a mixture of Residential and Agricultural-40 (RA-40), Residential and Agricultural-5 (RA-5), Highway Commercial (B-2), Planned Unit Development Hamlet (PUD-H), and Residential & Agricultural (RA) in Foxfire's zoning jurisdiction.

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

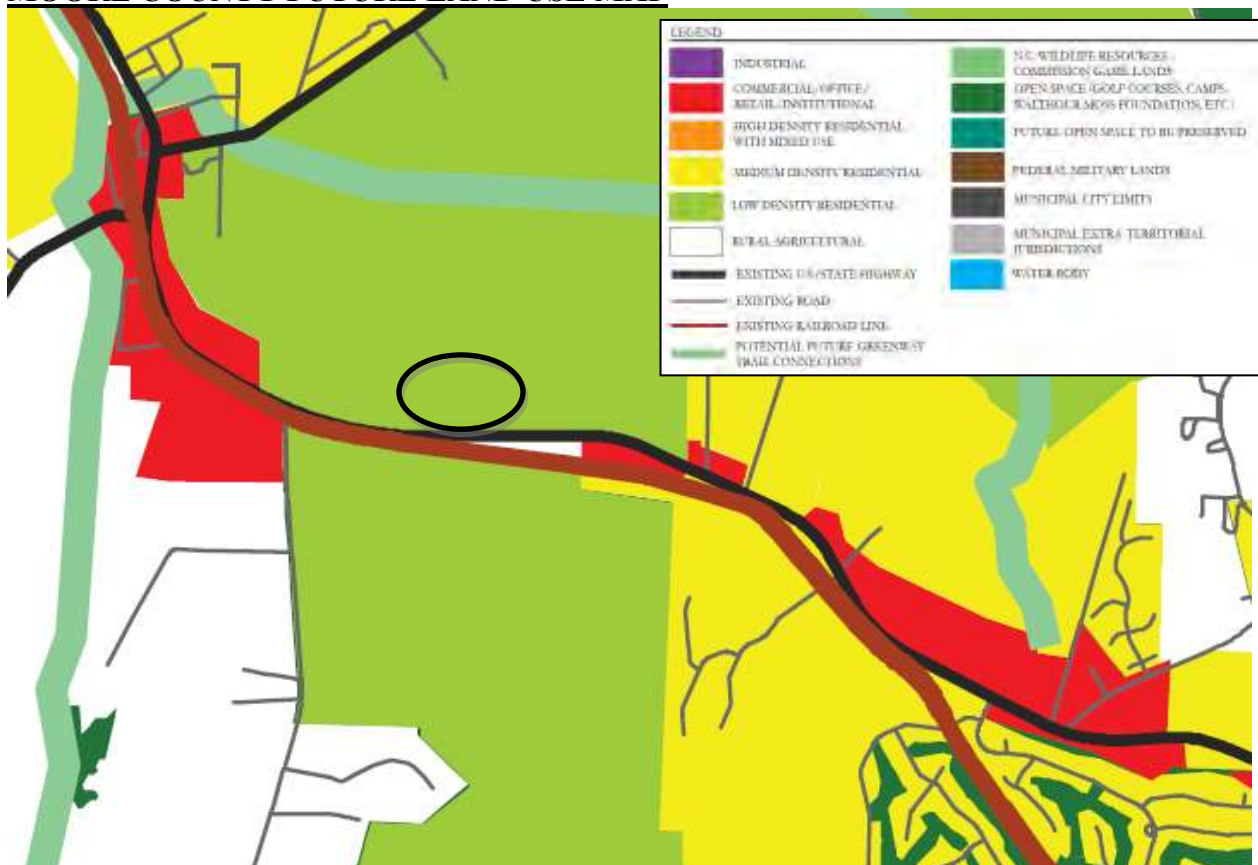
The site has a Low Density Residential Land Use Classification. The requested zoning to Highway Commercial (B-2) is not compatible with the Low Density Residential Land Use Classification.

The Low Density Residential Land Use Classification is a density 1 (one) residential lot for every five acres of land, single family detached. This may also include certain agricultural uses consistent with the existing RA (rural agricultural) zoning district, as well as certain non-residential neighborhood supportive uses, such as schools, daycares, churches and others. Where these areas on the Future Land Use Map intersect, or contain, significant cultural and natural features these aspects of the landscape should be considered as primary open space and conserved. These primary open spaces should be designed into the development plan to enhance the value and quality of life for the community.

The Commercial/Office/Retail/Institutional Land Use Classification's primary use is intended for shopping/retail uses, dining, entertainment, services, general office space, medical offices, banks, schools, daycares, places of worship, libraries, etc. The Moore County Unified Development Ordinance states the Highway Commercial (B-2) district provides for the development of commercial and service centers that serve community, countywide, or regional commercial needs, are accessible by residents from surrounding neighborhoods, and are of such nature so as to minimize conflicts with surrounding residential areas.

Although this site is located within the Low Density Residential Land Use Classification, the site is located adjacent to a major highway (NC Hwy 211), other non-residential uses, and the site is located near Foxfire, Taylortown, and Pinehurst providing practicality, easy access, and reduced travel times to the nearby communities. The site is located close to the Commercial/Office/Retail/Institutional Land Use Classification, as indicated by the red color on the map below. The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including Goal 3.1: Maximize accessibility among living, working, and shopping areas, and Recommendation 1.7: Support and promote local businesses. Therefore, if approved, staff recommends updating the Land Use Map to reclassify this site to the Commercial/Office/Retail/Institutional Land Use Classification.

MOORE COUNTY FUTURE LAND USE MAP



RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt or deny the attached Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. As specified in the Land Use Plan Consistency Statement, a declaration of approval is also deemed an amendment to the Land Use Plan.

Motion #2: Make a motion to recommend approval or denial to the Moore County Board of Commissioners of the General Use Rezoning from Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) of an approximate 5.67 acre parcel, located at 6265 NC Hwy 211.

ATTACHMENTS

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Aerial Map
- Land Use Map
- Rezoning Map
- Rezoning Application
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- UDO – Chapter 6. Table of Uses
- Deed Book 2016E Page 671
- Deed Book 4549 Page 578

Views of Subject Property from NC Hwy 211



Adjacent Property - View Across NC Hwy 211



Adjacent Property – 6215 NC Hwy 211



Adjacent Property – (Future) Pineforest Planned Unit Development



Adjacent property – 6359 NC Hwy 211



6265 NC Hwy 211 – General Use Rezoning – Staff Report

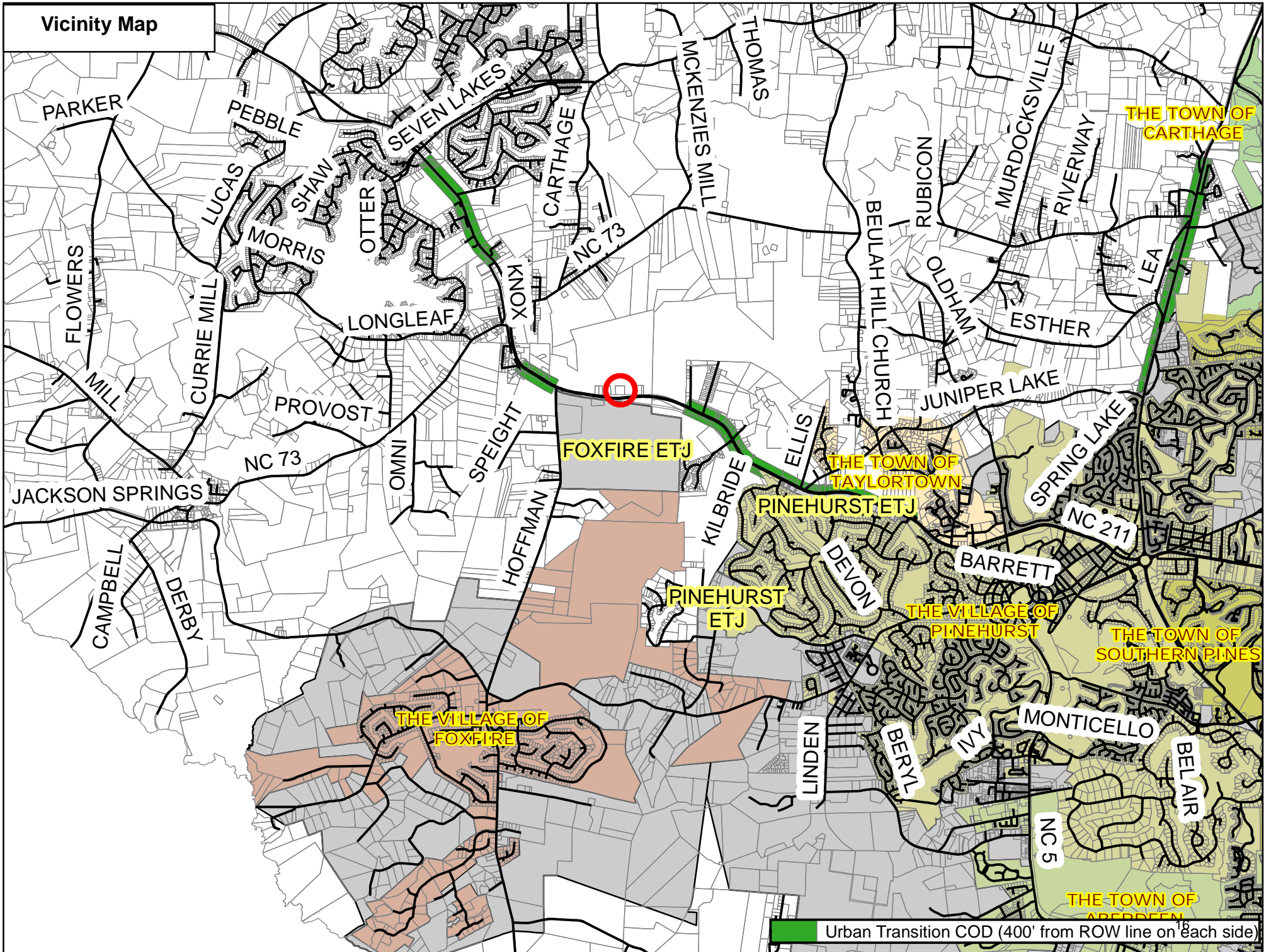
Westbound view of NC Hwy 211



Eastbound View of NC Hwy 211



Vicinity Map



Land Use Map



Zoning Map

RA-2

PUD-H

Shaded area requested
to be rezoned to B-2

RA-40

RA-40

RA-20

RA-40

B-2

NC 211 HWY

RA-5

B-2

RA

RA

FOXFIRE ETJ

County of Moore
Planning and Transportation

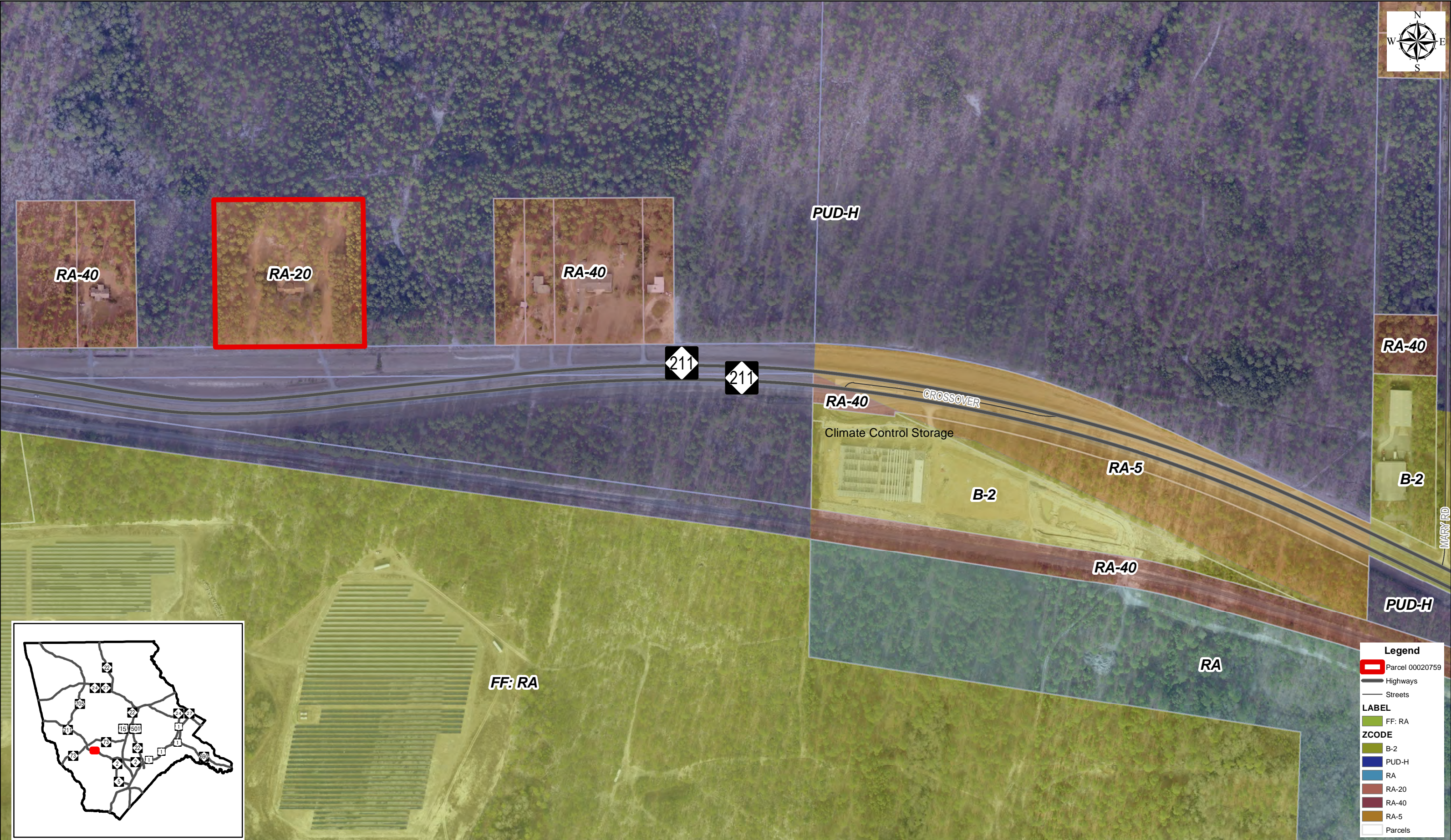


Inspections/Permitting: (910) 947-2221
Planning: (910) 947-5010
Transportation: (910) 947-3389
Fax: (910) 947-1303

App# 27140

GENERAL USE REZONING APPLICATION

Application Date: 9/12/19			
Location/Address of Property: 6265 NC Hwy 211 West End, NC 27376			
Applicant: Pete Mace		Phone: (910) 639-2882	
Applicant Address: 170 Pine Barrens Vista	City: Southern Pines	St: NC	Zip: 28387
Owner: William A Johnson III Trustee		Phone:	
Owner Address: 9345 Martin Rd	City: Roswell	St: GA	Zip: 30076-3021
Current Zoning District: RA-20	Proposed Zoning District: B-2		
Comments: This 5.6 Acre Parcel is surrounded by PUD-H. There is B-2 across the highway at the new climate controlled storage facility. Also, there is B-2 zoning at Interior Systems corner of NC Hwy 211 and Mary Rd. *See Attached map			
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.			
Applicant/Owner Signature: <u>Pete Mace</u>		Date: <u>9/12/19</u>	
Applicant/Owner Signature: <u>William A Johnson</u>		Date: <u>9.13.19</u>	
Office Use Only: PAR ID: <u>00020759</u> <u>Rebecca Thompson</u> <u>9/13/19</u> Received By: _____ Date: _____			



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Parcel 00020759

Moore County Planning Board
Land Use Plan Consistency Statement
General Use Rezoning Request
Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.7: Support and promote local businesses
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

2. Approval of the rezoning request is also deemed an amendment to the Land Use Plan Future Land Use Map by reclassifying the site to the Commercial/Office/Retail/Institutional Land Use Classification.

3. Contributing factors in the rezoning approval is in response to managing the demand of residential growth, largely resulting from the influx of families spurred by Fort Bragg's growth from the Base Realignment and Closure.

4. The rezoning request is reasonable and in the public interest considering the property is located adjacent to the Foxfire, Pinehurst, and Taylortown communities.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning from Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) of an approximate 5.67 acre parcel, located at 6265 NC Hwy 211.

Joe Garrison, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement
General Use Rezoning Request
Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.7 Support and promote local businesses
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the General Use Rezoning from Residential and Agricultural-40 (RA-40) to Highway Commercial (B-2) of an approximate 5.67 acre parcel, located at 6265 NC Hwy 211.

Joe Garrison, Chair
Moore County Planning Board

Date

CHAPTER 6

TABLE OF USES

6.1 Use Table

- A. Permitted Uses. P = Permitted uses are a use-by-right approved by the Administrator.
- B. Conditional Uses. C = Conditional Use Permit approval required. (Refer to Chapter 12.)
- C. Conditional Zoning. Z = Condition Rezoning within a parallel conditional zoning district required. (Refer to Chapter 11.)
- D. Building Code Classification.

The “Bldg. Code Group” column is intended for reference purposes only and is subject to change without notice. Classifications should be verified by the Building Inspector and should follow the regulations of the applicable “Use & Occupancy Classification” per the 2012 NC Building Code. Change of uses will require sealed plans to be approved by the Building Inspector.

A = Assembly	M = Mercantile
B = Business	R = Residential
E = Education	S = Storage
F = Factory Industrial	U = Utility & Miscellaneous
H = Hazardous	Mix = Mixed Uses (Separation standards may apply)
I = Institutional	

- E. Prohibited Uses. Blank = Districts in which particular uses are prohibited, unless the Administrator determines that the use is similar to an allowed individual use by applying the following criteria:
 - 1. The actual or projected characteristics of the activity.
 - 2. The relative amount of site area or floor space and equipment utilized.
 - 3. Relative amounts of sales from the activity and costumer type for the activity.
 - 4. The relative number of employees and hours of operation.
 - 5. Building and site arrangement and likely impact on surrounding properties.
 - 6. Types of vehicles used, parking requirements, and vehicle trips generated.

When uncertainty exists, the Administrator, after consultation with the County Attorney, shall be authorized to make the interpretation.

ACCESSORY USES & ACCESSORY BUILDINGS	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Accessory Uses & Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.1	R, S, U

AGRICULTURAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Agricultural Uses and Buildings (Not a Bona Fide Farm)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.2	U
Bona Fide Farm	"Bona Fide Farm" exemption status is obtained through the Moore County Planning Department.														8.3	S, U

RESIDENTIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
SINGLE FAMILY HOUSEHOLD																
Accessory Dwelling Located within Stick Built Dwelling	P	P	P	P			P	P	P						8.4	R
Accessory Dwelling Located within Non-Residential Building											P	P	P		8.5	Mix
Accessory Manufactured Home	P	P	P	P			P	P	P						8.6	R
Accessory Stick Built Dwellings	P	P	P	P			P	P	P						8.7	R
Dwellings, Single Family	P	P	P	P	P	P	P	P	P						8.8	R-3
Dwellings, Duplexes	P	P				P	P								8.9	R-3
Family Care Home (6 or less)	P	P	P	P	P	P	P	P	P						8.10	I, R
Home Occupation, Level 1	P	P	P	P	P	P	P	P	P						8.11	R
Home Occupation, Level 2			Z	Z			Z		Z						8.12	R
Manufactured Home	P	P	P	P			P	P	P						8.13	R-3
Manufactured Home Park									Z						8.14	Mix
Personal Workshop / Storage Building	P	P	P	P			P	P	P						8.15	R, S
Planned Unit Development – Mixed Use	Conditional Rezoning to PUD-CZ is required.														8.16	Mix
Major Subdivision	C	C						C							18.6-18.11	Mix
MULTIFAMILY RESIDENTIAL																
Group Care Facility									Z			C	P		8.17	I, R
Multifamily Dwellings (3 or more units per lot)	Conditional Rezoning to MF-CZ is required.														8.18	R-2
Nursing Home	C	C	C	C					C			P	P		8.19	B, I

COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
ANIMAL SERVICES																
Animal Shelter									Z					P	8.20	B
Animal Training Facility, Military									Z					P	8.21	B
Kennels, Overnight									Z			Z	Z	P	8.22	B
Pet Day Care, Grooming, Obedience Training									Z		P	P	P		8.23	B
Veterinary Clinic							P		Z		P	P	P		8.24	B
OFFICES & GENERAL SERVICES																
Automatic Teller Machine (ATM)											P	P	P	P	8.25	U
Beauty / Barber Shop / Nail Salon						P					P	P	P		8.26	B
Bed and Breakfast	Z	Z	Z	Z				Z	Z						8.27	R-3
Dry Cleaning and Laundromat						P					P	P	P	P	8.28	B
Equestrian Cottage							Z								8.29	R-3
Hotel and Motel													P		8.30	R-1
Office											P	P	P	P	8.31	B
Small Appliance Repair Shop											P	P	P	P	8.32	B
Trade Contractor Office and Workshop											P	Z	P	P	8.33	B, S
COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
RETAIL SERVICES																
Auction House												P	P	P	8.34	A-3, B
Convenience Store						P			C		P	P	P	P	8.35	M
Feed and Seed Sales							C		C			P	P	P	8.36	B, M
Florist									P		P	P	P	P	8.37	B
Flea Market									Z			Z	P		8.38	B, M
Garden Center											P	P	P		8.39	M, U
Manufactured or Modular Home Sales													P	P	8.40	B
Restaurant						P					P	P	P	P	8.41	A-2
Retail											P	P	P		8.42	M
Shopping Centers													Z	C	8.43	M
Wholesales											C		P	P	8.44	M

COMMERCIAL USES (CONTINUED)	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
VEHICLE SERVICES																
Boat & RV Storage					P						P		Z		8.45	S-1
Car Wash or Auto Detailing											P	P	P	P	8.46	B
Commercial Truck Wash												C	P	P	8.47	B
Parking Lot as principal use of lot											P	P	P	P	8.48	S-2
Taxi Service												Z	P	P	8.49	B, A-3
Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, or Service											P	P	P	P	8.50	B, S-1
Vehicle Service Stations (Gas Stations)											Z	P	P	P	8.51	M
Vehicle Wrecker Service												Z	Z	P	8.52	S-1
ADULT USES																
Adult Gaming Establishments														C	8.53	B
Bars / Tavern											C		P		8.54	A-2
Brewery / Winery									C		P		P	P	8.55	A-2, F
Dance Club, Night Club, Billiard											Z		P		8.56	A-2, A-3
Distillery														P	8.57	F-1
Massage & Bodywork Therapy Practice, Unlicensed													P		8.58	B
Pawn Shop											Z		P	P	8.59	B
Sexually Oriented Business														Z	8.60	A-2, M
Tattoo Parlor, Body Piercing													P		8.61	B

EDUCATIONAL & INSTITUTIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Cemetery or Mausoleum, Commercial			C	C			C		C			P			8.62	n/a
Cemetery, Family	P	P	P	P	P	P	P	P	P						8.63	n/a
Child Care Facility	C	C	C	P		C	C	C	C		C	P	P		8.64	E, I
Child Care Home Facility	C	P	P	P			C	C	P						8.65	E, R
Colleges, Business & Trade Schools									C				P	P	8.66	B
Funeral Home, accessory crematorium											P	P	P	P	8.67	A-3, B
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.68	B
Hospital	P	P	P	P	C	C	P	P	P	P		P	P	P	8.69	I
Museums and Art Galleries									C		P	P	P		8.70	A-3
Religious Institutions	P	P	P	P	P		P	P	P	P	P	P	P		8.71	A-3, E
Security Training Facility									C						8.72	B
Schools, Elementary, Middle, High												P	P		8.73	E

RECREATIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Accessory, Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.74	A, R
Airport, Public or Private									C					Z	8.75	A-3, B
Airstrip, Small Private									C			P			8.76	B
Assembly Hall						Z			Z		Z		Z	P	8.77	A-4, A-5
Camp or Care Centers									P						8.78	A-3, R-1
Campground, Public and Private									P						8.79	A-3, R-1
Camp, Recreation Day									P						8.80	A-3
Civic / Social Club, Lodge, & Organization			P	P	C	C			C		P	P	P		8.81	A-2, A-3
Golf Driving Range					C	C				P			P		8.82	A-3
Golf Course, including Par 3					C	C				P			P		8.83	U
Marina (fuel supplies)					P	P									8.84	M
Neighborhood Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.85	U
Recreation, Indoor											C	C	P		8.86	A-5
Recreation, Low Impact Outdoor		P P	P	P	P	P	P	P	P		C	P	P		8.87	A-5
Recreation, High Impact Outdoor									Z		Z		P		8.88	
Shooting Range, Indoor									Z				P		8.89	A-5
Shooting Range, Outdoor									Z				P		8.90	A-5
Zoo, Petting Zoo									Z				P		8.91	A-5, U

INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
PRODUCTION																
Manufacturing, Light (no odors, no smoke)														P	8.92	F
Manufacturing, General														Z	8.93	F-1, F-2
UTILITIES / SERVICES																
Amateur Radio and Receive-only Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.94	U
Contractors Storage Yard and Office									Z				P	P	8.95	S-1, U
Crematorium Facility													Z	P	8.96	B
Public & Private Utility Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.97	U
Solar Collector Facility														C	8.98	U
Solar Collectors, On-Site Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.99	U
Wireless Communication Facility									Z				Z	Z	8.100	U
Collocation on Existing WCF	P	P	P	P			P	P	P	P	P	P	P	P	8.101	U

INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
WAREHOUSING																
Mini-Warehouse (Self-Service)						P					Z	Z	P	P	8.102	S
Warehousing and/or Distribution Center									Z				C	P	8.103	S-1, S-2
WASTE RELATED SERVICES																
Debris Management Facility									Z			Z		P	8.104	U
Hazardous Waste /Toxic Chemicals Disposal or Processing														C	8.105	U
Landfill														C	8.106	U
Mining / Quarry Operation									Z					C	8.107	U
Salvage Yard														C	8.108	U

TEMPORARY USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Construction Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.109	S-1
Drop-In Child Care Facility											P	P	P		8.110	
Itinerant Merchant											P	P	P	P	8.111	n/a
Land Clearing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.112	F-1
Manufactured Home or RV, Temporary	P	P	P	P			P	P	P						8.113	R-3
Real Estates Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.114	S-1
Temporary Events (Special Event)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.115	n/a
Yard Sales, Residential and Civic	P	P	P	P	P	P	P	P	P			P	P		8.116	n/a

STATE OF NORTH CAROLINA

File No.

16-E-671

MOORE County

In The General Court Of Justice
Superior Court Division
Before The Clerk

IN THE MATTER OF THE ESTATE OF:

Name Of Decedent/Minor/Incompetent/Trust

LOIS M. JOHNSON A/K/A LOIS MORGAN JOHNSON

2016 OCT - 6 P 2:52

ORDER AUTHORIZING ISSUANCE OF LETTERS

MOORE CO., C.S.C.

G.S. 28A-6-1; 35A-1215, -1226; 36C-2-209

The Court finds from the Application for Letters in the matter named above that the Fiduciary is entitled and is not disqualified to administer the estate, trust, or guardianship.

Based on these findings, the Court orders that Letters be issued to the Fiduciary in this matter.

Name And Address Of Fiduciary 1
William A. Johnson, III
9345 Martin Road
Roswell, GA 30076

Date Of Qualification

10-6-16

Clerk Of Superior Court

Susan A. Hicks

Title Of Fiduciary 1
Executor

EX OFFICIO JUDGE OF PROBATE

Name And Address Of Fiduciary 2

Date

10-6-16

Signature

[Handwritten Signature]

Title Of Fiduciary 2

☒ Assistant CSC

☐ Clerk Of Superior Court

Lorenz
116-E-671

AFFIDAVIT OF PUBLICATION

2016 NOV 14 P 4:07

NORTH CAROLINA
MOORE COUNTY

MOORE CO., C.S.C.
BY MB

DAVID WORONOFF, PUBLISHER of The Pilot, LLC, a bi-weekly newspaper published in Moore County and the State of North Carolina, being duly sworn, deposes and says: that the attached advertisement:

Estate of Lois M Johnson

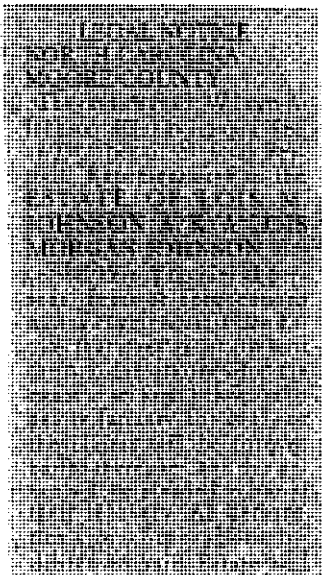
Was published in the aforesaid newspaper for 4 consecutive week(s)/day(s) beginning with the issue dated October 12, 2016 and ending with the issue dated November 2, 2016.

[Signature]

Sworn to and subscribed before me, this 2 day of November, 2016.

Michele Bungarz
Michele Bungarz

My commission expires: 6/1/19



STATE OF NORTH CAROLINA

File No.

16-E-671

MOORE

County

In The General Court Of Justice
Superior Court Division
Before The Clerk

IN THE MATTER OF THE ESTATE OF:

Name, Street Address, City, State, And Zip Code Of Decedent
LOIS M. JOHNSON A/K/A LOIS MORGAN JOHNSON
6265 Hwy. 211 E
West End, NC 27376

2016 OCT -6 P 2:52

APPLICATION

FOR PROBATE AND LETTERS

MOORE ☒ TESTAMENTARY ☐ OF ADMINISTRATION CTA
AND ADDENDUM (AOC-E-309)

Social Security No. (last four digits)
7953

County Of Domicile At Time Of Death
Moore

G.S. 28A-2A-1, -2, -5; 28A-6-1; 28A-12-4

Date Of Death
08/18/2016

Date Of Will And Codicil(s), If Any
09/03/2015

Place Of Death (if different from County Of Domicile)

Name, Street Address, P.O. Box, City, State, And Zip Code Of Applicant
William A. Johnson, III
9345 Martin Road
Roswell, GA 30076

Telephone No.
770-364-5544

Name, Street Address, P.O. Box, City, State, And Zip Code Of Co-Applicant

Telephone No.

Legal Residence (County, State)

Fulton, GA

Legal Residence (County, State)

Name, Street Address, P.O. Box, City, State, And Zip Code Of Attorney
Margaret A. Lorenz
230 North Bennett Street
Southern Pines, NC 28387

Attorney Bar No.

20034

Telephone No.

910-695-8688

I, the undersigned, applying for probate and for letters in the above estate, being first duly sworn, say that:

- The decedent was domiciled in this county at the time of the decedent's death, or left property or assets in this county, or was a nonresident motorist who died in North Carolina; no other proceeding for probate or for administration is pending in any jurisdiction.
- The decedent left the paper-writing(s) purporting to be the decedent's Last Will and Testament ☐ and codicil(s), dated as shown above.
- ☒ a. I am an executor, devisee, or legatee named in the will, or a next-of-kin or creditor of the decedent.
☐ b. I am the person entitled to apply for letters or am applying after all persons having prior right to apply have renounced.
☐ c. I am applying subject to G.S. 28A-6-2(1) and move that all necessary notices be issued.
☐ d. I am the public administrator appointed by the Court.
- I am not disqualified pursuant to G.S. 28A-4-2 to administer the estate and have not renounced my right to do so.
- Following the execution of the will there were no children born to or adopted by the decedent, and the decedent did not thereafter marry or obtain a divorce. (If the facts are otherwise, state them on an attachment.)
- After diligent inquiry, I have determined that the persons listed below are all the persons entitled to share in the decedent's estate. (If there is a court-appointed guardian for any such person(s), list the guardian's name and address on an attachment.)

NAME	AGE	RELATIONSHIP	MAILING ADDRESS
Lois M. Johnson T/U/A dated 09/03/2015			9345 Martin Road
Restated 05/05/2016			Roswell, GA 30076
William A. Johnson, III Trustee			

Original - File Copy - Applicant
(Preliminary Inventory On Reverse)

STATE OF NORTH CAROLINA

2016.19

FILED

File No.

16-E-671

MOORE

County

2016 SEP -6 P 2:32

In The General Court Of Justice
Superior Court Division
Before The Clerk

IN THE MATTER OF THE ESTATE OF:

MOORE CO., C.S.C.

Name Of Decedent

LOIS M. JOHNSON A/K/A LOIS MORGAN JOHNSON

CERTIFICATE OF PROBATE

Date Of Purported Will

09/03/2015

G.S. 28A-2A-6

Date(s) Of Codicil(s)

A paper-writing dated as indicated above, purporting to be the Last Will and Testament or codicil(s) thereto of the above-named decedent, has been exhibited before me. Sufficient proof of the due execution thereof has been taken in the self-proving paper-writing or as set forth in the accompanying affidavits which are incorporated and made a part hereof.

It is adjudged that the paper-writing and every part thereof is the Last Will and Testament or codicil(s) thereto of the decedent, and the same is ordered admitted to probate.

Date

9-6-16

Signature

[Signature]

☒ Assistant CSC

☐ Clerk Of Superior Court

2016-19

16-E-671

STATE OF NORTH CAROLINA
COUNTY OF MOORE

**WILL OF
LOIS M. JOHNSON**

I, LOIS M. JOHNSON, of Moore County, North Carolina, declare this to be my will and revoke all earlier wills and codicils.

**ARTICLE I
DISPOSITION OF ESTATE**

Gift of Residuary Estate. I give my residuary estate, being all of my real and personal property, wherever located, not otherwise effectively disposed of, but without exercising any power of appointment over property which I may have, to the Trustee acting under that trust instrument executed by me on the 3rd day of September, 2015, and, by and between me, as Grantor, and me and my son, William A. Johnson, III, as co-Trustees, to be added to and disposed of as part of the trusts created under the provisions of that trust instrument, including any amendments to it in effect at the time of my death.

**ARTICLE II
PAYMENT OF DEBTS, EXPENSES AND DEATH TAXES**

A. Payment of Debts and Expenses. My Executor shall certify to the Trustee acting under the trust instrument referred to in the Paragraph of Article I of this will entitled "Gift of Residuary Estate" the amount necessary to pay all of my debts, health care expenses, funeral and burial expenses and the administration expenses of my estate which amount shall be paid out of the property of the trust as provided in that instrument.

B. Payment of Death Taxes. All death taxes shall be paid as follows:

1. My Executor shall certify to the Trustee acting under the trust instrument referred to above, the amount necessary to pay the death taxes (other than death taxes which are paid from property passing outside of this will pursuant to the terms of the governing instrument) which amount shall be paid out of the property of the trust as provided in that instrument.

2. Notwithstanding the foregoing, my Executor shall recover as provided by law any death tax attributable to property (i) over which I have a power of appointment, (ii) in which I have a qualifying income interest for life or (iii) in which I have a retained interest for life to the extent that any death tax recoverable by law is not otherwise paid out of such property.

C. Payment of Debts, Expenses and Death Taxes Out of Residuary Estate if Trust Insufficient. If the trust estate is insufficient, either in whole or in part, to pay all of my debts, health care expenses, funeral and/or burial and/or cremation expenses, the administration expenses of my estate and the death taxes payable out of the trust estate, my Executor shall pay the amount of the insufficiency out of my residuary estate and shall not charge any death taxes against or recover such taxes from any recipient or beneficiary of the property taxed except as provided in Paragraph B above.

ARTICLE III THE EXECUTOR

A. Appointment of Executor. I appoint my son, WILLIAM A. JOHNSON, III, to be my Executor. If my son, WILLIAM A. JOHNSON, III predeceases me, or is not able to qualify as my Executor, or if after qualifying, either should die or resign, then I appoint my daughter, MARY ELIZABETH JOHNSON, as my Executrix.

If it becomes necessary for a representative of my estate to qualify in any jurisdiction other than the State of North Carolina in which my Executor shall be unable or unwilling to qualify as Executor, then my Executor shall have the right to appoint an individual or corporate representative of my estate in such jurisdiction.

B. Waiver of Bond and Court Supervision. No bond or other security shall be required from my executor unless otherwise required by law. My Executor may act without qualifying before any court or filing with any court any inventory, accounting or other report relating to the administration of my estate unless otherwise required by law to do so.

C. Compensation of Executor. If my Executor is the identical person as my Trustee under my Trust Agreement above referenced, then I expect my Executor to serve without compensation as Executor because I have made provisions for compensation of my Trustee in my Trust Agreement. If my Executor is not the identical person as my Trustee, then an individual Executor may receive that compensation for such Executor's services which is equal to five percent (5%) of the sum of the fair market value at the time of my death of (i) all property passing under this will and (ii) all property owned by or payable to the Trustee referred to in the Paragraph of Article I of this will entitled "Gift of Residuary Estate."

ARTICLE IV ADMINISTRATIVE POWERS OF EXECUTOR

It is my intention that my Executor shall have all the powers and authority conferred upon personal representatives by Article 13 of Chapter 28A of the General Statutes of North Carolina as well as any other powers conferred by law or elsewhere in this will. To the extent they may not be conferred by law, I grant to my Executor the discretionary powers set forth below to be exercised without court order for any purpose that my Executor may deem advisable.

A. Powers Incorporated by Reference. Subject to Section 32-26 of the General Statutes of North Carolina, all of the powers set forth in Section 32-27 of the General Statutes of North Carolina, except those in Section 32-27(29), as they exist at the time that I signed this will, and such powers are incorporated by reference with the same effect as though set out verbatim in it.

B. Disposition of Real Property. The power to take possession, custody and control of real property owned by me at the time of my death even though title to such real property is not devised to my Executor, and to sell, exchange, give options upon, partition, lease, mortgage or otherwise dispose of any such real property.

C. Banking Transactions. The power (i) to open, deposit cash or other assets to the credit of and maintain one or more checking, savings, cash, margin or other account in any banking, trust, brokerage or investment institution, including any corporate Executor, (ii) to exercise any right, option, or privilege pertaining to any such account, and (iii) to lease one or more safe deposit boxes for safekeeping of estate assets.

D. Dealing with Estates and Trusts. The power to lend money to, borrow money from, purchase real or personal property from, sell such property to, or exchange such property with the fiduciary of any estate or trust of mine.

E. Credits or Charges to Income and Principal. The power (i) to determine the manner in which items should be credited or charged to or between income and principal, regardless of whether any item is credited or charged contrary to the provisions of any statute, and (ii) to charge or not charge against income a reasonable allowance for depreciation of property whether or not contrary to the provisions of any statute, except that an Executor shall have the power to allocate receipts and expenses between income and principal in his or her favor only if there is no other Executor who may make such allocation, and, in that event, such power to allocate must be exercised as provided by law.

F. Retention and Acquisition of Bank Securities. The power (i) to retain for any period or periods of time securities which are securities of any corporate Executor acting under this will or of any corporation owning stock of the corporate Executor or of any subsidiary or affiliate of or successor to such corporation and (ii) to acquire such securities by purchase, exchange or otherwise.

G. Renunciation and Disclaimer. The power to renounce or disclaim in whole or in part the right to succession to any property or interest in property passing to me as heir, beneficiary under a will or contract, or otherwise.

H. Distributions Directly to Trust Beneficiaries. Whenever any Trustee acting under any trust to which property passes under this will is authorized or directed to distribute income or principal to a beneficiary, the power to distribute such income or principal directly to such beneficiary during the period of administration of my estate.

**ARTICLE V
DEFINITIONS**

For purposes of this will,

A. **"Executor"**. The term "Executor" or "Executors" includes any personal representative or representatives of my estate acting under this will such as a successor Executor, Executors and any Administrator with the will annexed. It also includes the term "Executrix" and "co-Executor" whenever the context requires it.

B. **"Death Taxes"**. The term "death taxes" means inheritance, estate, transfer and succession taxes, and any interest and penalties on these taxes, imposed by reason of my death by any jurisdiction with respect to property passing under or outside of the provisions of this will or any codicil to it which is includable in my estate for the purpose of determining such tax, including, but not limited to, any tax on property includable under section 2036 (relating to transfers with retained life estate), section 2041 (relating to powers of appointment), section 2042 (relating to life insurance proceeds) or section 2044 (relating to qualified terminable interest property) of the Internal Revenue Code of 1986, as amended, or any comparable provision of state law, but excluding, however, any tax imposed by section 2032A(c) (relating to qualified real property), or chapter 13 (relating to generation-skipping transfers) of the Code, or any comparable provision of state law.

I, **LOIS M. JOHNSON**, the Testatrix, sign my name to this instrument this 3 day of September, 2015, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign it for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Lois M. Johnson

LOIS M. JOHNSON

We, Margaret A Loren and Kimberly Mann, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testatrix signs and executes this instrument as her last will *in our presence* and that she signs it willingly (or willingly directs another to sign it for her), and that each of us, *at the request of the testatrix*, and in the presence and hearing of the testatrix, *and in the presence and hearing of each other*, hereby signs this last will as witness to the testatrix's signing, and to the best of our knowledge the testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Margaret A Loren
(Name)

Whispering Pine NC
(Residence)

Kimberly Mann
(Name)

Southern Pines, NC
(Residence)

STATE OF NORTH CAROLINA
COUNTY OF MOORE

Subscribed, sworn to and acknowledged before me by, **LOIS M. JOHNSON**, the
Testatrix, and subscribed and sworn to before me by Kimberly Migness
and Margaret A Larenz, witnesses, this 3 day of
September, 2015.



Rhonda O'Brien
Notary Public - Rhonda O'Brien
My Commission Expires - June 7 2017
(SEAL)

Lorenz

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
September 23, 2015 03:35:42 PM
Book 4549 Page 578-581
FEE: \$25.00
INSTRUMENT # 2015012937

HM



INSTRUMENT # 2015012937

GENERAL WARRANTY DEED

THIS INSTRUMENT PREPARED BY:

Margaret A. Lorenz, Esq.
Lorenz & Creed Law Firm, PLLC
230 N. Bennett Street
Southern Pines, NC 28387

TO BE RECORDED IN THE
DEED RECORDS OF
MOORE COUNTY, NC

Excise Tax: \$ NTC

THIS DEED made this 14TH day of September, 2015, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
LOIS M. JOHNSON, unmarried, Widow of William A. Johnson, Jr.	LOIS M. JOHNSON and WILLIAM A. JOHNSON, III, as Co-Trustees Of the Lois M. Johnson Revocable Living Trust U/A/D 9/3/2015 Tax Address: PO Box 318 West End NC 27376

WITNESSETH:

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land (referred to in the singular, whether one or more) situated in Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference for a description of the real property hereby conveyed. The real property described on Exhibit "A" attached hereto is hereby incorporated herein by reference to the same extent as if set forth herein in its entirety.

This property herein described does ____/does not ____ include the primary residence of the Grantor.

And being the same property conveyed to Grantor in instrument recorded in Book 697, Page 495; Book 240, Page 424, and Book 159, Page 313, in the Moore County, North Carolina, Register of Deeds. The attorney preparing this instrument has not searched the title to the real property hereby conveyed and makes no opinion relative to the status of the title to the real property hereby conveyed.

This conveyance is made subject to (i) the lien of the County of Moore for taxes and other assessments for the current year, which taxes or other assessments shall be pro-rated as of the date of closing and which Grantee by acceptance of this deed expressly agrees to pay; (ii) utility easements of record; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand and seal the day and year first above written.

Lois M. Johnson (SEAL)
LOIS M. JOHNSON

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I certify that the following person(s) personally appeared before me this day and (✓) I have personal knowledge of the identity of the principal(s); () I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license; () a credible witness has sworn to the identity of the principal(s); the principal(s) acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): Lois M. Johnson, unmarried, widow of William A. Johnson, Jr.

Date: Sept 18, 2015

Rhonda O'Brien
Notary Public

Rhonda O'Brien
Printed or typed name of Notary Public

My commission expires: June 7, 2017



EXHIBIT A

PARCEL ONE: Beginning at a stake in said Cockran's line in the north edge of the right of way of said railway; runs thence as Cochran's line crossing the Washington-Atlanta Highway N. $3 \frac{1}{4}$ E. 12.40 chains to a stake, Cochran's corner; thence as his line N. $55 \frac{1}{4}$ W. 18 chains to Cockran's corner; thence as his other line N. $3 \frac{1}{4}$ W. 22.50 chains to his other corner; thence as his other line N. 20 W. 12.68 chains; thence as his other line and past his corner N. 78 E. 66.50 chains to the northwest corner of a fourteen acre tract included herein; thence continuing N. 78 E. 5.50 chains to the northeast corner of said 14 acres included herein thence S. 4 W. 26 chains to the center of the channel of Nick's Creek, Robinson's corner; thence as his line S. $31 \frac{1}{2}$ W. 56.37 chains to a stake in the north edge of the right of way of Norfolk Southern Railway; thence as said right of way, N. $80 \frac{1}{4}$ W. 6.10 chains to a stake, the southwest corner of $32 \frac{1}{2}$ acre tract herein included; thence continuing with said right of way N. 82 W. 41.85 chains to the beginning, containing 417 acres, more or less. There is excepted from this conveyance, all parcels of land heretofore conveyed from this acreage.

For reference see deed recorded in Book 159, Page 313, Moore County Registry.

PARCEL TWO: Being Lot Number Seven (7) allotted to Arthur S. Dupree and Maxine Dupree Hodges, the children and heirs at law of Edna McKenzie Dupree, deceased, said Lot Number Seven (7) containing thirty (30) acres, more or less and being described by metes and bounds as follows:

BEGINNING at a stake in the edge of Jesse Thomas' field, same being the southwest corner of the McCrimmon 60 acre Grant, running thence North 5 East 20 chains to a stake by gum and hickory pointers in Clyde McKenzie's line, also Jesse Thomas' corner; thence South 85 East 15 chains to the corner of Lot No. 6; thence along that line south 5 West 20 chains to a stake about 100 feet East of the Mill road, the beginning corner of Lot No. 6; thence North 85 West 15 chains to the first station, containing 30 acres, more or less, and being the western half of the Bella McCrimmon 60 acre grant.

There is excepted from this conveyance, all parcels of land heretofore conveyed from this acreage.

For reference see deed recorded in Book 240, Page 424, Moore County Registry.

PARCEL THREE: Lying and being in Mineral Springs Township, Moore County, NC in West End, North Carolina, the following description being taken from that certain map made by Central Carolina Surveyors, entitled 'Survey for West End Presbyterian Church, P.O. Box 13, West End, NC 27376', dated March 6, 1989, and revised March 9, 1989 and March 23, 1989.

Beginning at a concrete monument in the westerly right of way line of NCSR #1302, located S 68 deg. 42 min. 19 sec. W. 620.98 feet from N.C.G.S. Monument "West End", N. C. Grid coordinates N-543,274.17 and E-1,830,450.91; and running thence S. 79 deg. 40 min. 06 sec. W. 290.37 feet to a concrete monument; thence S. 09 deg. 02 min. 16 sec. E. 60 feet to a concrete monument; thence N. 79 deg. 40 min. 07 sec. East 290.45 feet to a concrete monument in the westerly right of way line of NCSR #1302; thence as said right of way line N. 09 deg. 06 min. 44 sec. West 60 feet to the beginning, containing 17,420 square feet, more or less.

Beginning at a concrete monument, the northwest corner of the 17,420 square foot parcel of land described above, and running thence n. 09 deg. 02 min. 16 sec. W. 233.35 feet to a concrete monument at an iron pipe; running thence S. 79 deg. 56 min. 54 sec. West 599.38 feet to a concrete monument;

thence S. 09 deg. 33 min. 32 sec. East 345.21 feet to a concrete monument; thence N. 80 deg. 24 min. 22 sec. E. 596.17 feet to a concrete monument at an iron pipe, Davis' northeast corner; running thence N. 09 deg. 02 min. 16 sec. West 116.67 feet to the beginning, containing 4.77 acres, more or less and being the identical property conveyed by that certain deed recorded in Book 159, Page 27, Moore County Registry.

For reference see deed recorded in Book 697, Page 495, Moore County Registry.

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning and Transportation Director

DATE: September 30, 2019

SUBJECT: Unified Development Ordinance Text Amendments

PRESENTER: Theresa Thompson

REQUEST

Moore County Planning Staff is requesting the below text amendment to the Moore County Unified Development Ordinance:

Bold Text – additions to the ordinance
~~Strikethrough Text~~ - deletions from the ordinance

1. AMEND Chapter 8 (Specific Use Standards), Section 8.107 (Mining), Subsection C (Restoration), as follows:

Restoration. Before approval ~~of a Conditional Use Permit~~ for an excavation use, the operator shall submit a detailed plan for restoration of the site, including information on the anticipated future use of the restored land, existing and proposed final contours, and number per acre of trees or shrubs to be planted.

REASON. Removes “of a conditional use permit” to clarify that any type of approval requires a detailed plan for restoration of the site.

CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board’s review and consideration.

RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement (Approval) and authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

Motion #2: Make a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendment to the Moore County Unified Development Ordinance.

ATTACHMENTS

- RLUAC (Regional Land Use Advisory Commission) Review Letter
- Moore County Planning Board Consistency Statement – Approval



MOORE COUNTY
Proposed Text Amendments to the Unified Development Ordinance: Chapter 8
(Specific Use Standards), Section 8.107 (Mining), Subsection C
(Restoration)

October 18, 2019

The Regional Land Use Advisory Commission (RLUAC) staff and Board of Directors have reviewed the proposed text amendment (listed above) for the Moore County Unified Development Ordinance and find no conflicts with the recommendations contained in the recently completed and adopted 2018 Fort Bragg Joint Land Use Study.

Thank you for allowing RLUAC the opportunity to review these proposed changes.

John K. McNeill, Chairman

Peter Campbell, Executive Director

Moore County Planning Board
Land Use Plan Consistency Statement
Text Amendment - Unified Development Ordinance

The Moore County Planning Board finds that:

1. The text amendment request is consistent with the following goals in the 2013 Moore County Land Use Plan:

GOAL 4: Provide Information and Seek Citizen Participation:

- Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.

2. The text amendment is consistent with the Goals listed above due to providing the public with a transparent permitting process.

3. The text amendment is reasonable and in the public interest because the ordinance has been updated to be more user-friendly for use by the general public and development community.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendments to the Unified Development Ordinance, as proposed.

Joe Garrison, Chair
Moore County Planning Board

Date